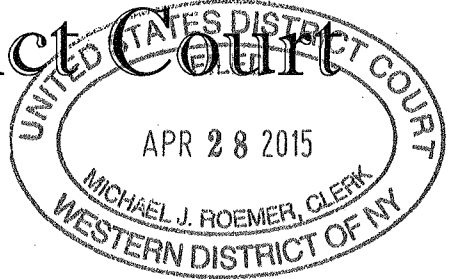


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 15-M- 2094

DAVID YOUNG

Defendant

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From in or about May 2014 and continuing through in or about February 13, 2015, in the Western District of New York, the defendant used, persuaded, induced, enticed or coerced a minor victim to take part in sexually explicit conduct for the purpose of producing a visual depiction of such conduct that defendant knew or had reason to know was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce, and did knowingly possess images of child pornography as defined in Title 18, United States Code, Section 2256(8), that had been produced using materials that had been shipped, mailed or transported in interstate or foreign commerce by any means, including by computer and the defendant knew that such images constituted child pornography.

all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2251(a).


This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature
Michael Hockwater, Task Force Officer
Federal Bureau of Investigation
Printed name and title

Sworn to before me and signed in my presence.

Date: April 28, 2015


Judge's signature
HON. HUGH B. SCOTT
United States Magistrate Judge
Printed name and title

City and State: Buffalo, New York

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, **Michael Hockwater**, being duly sworn, depose and say:

1. I am a Police Detective with the Town of Cheektowaga, New York Police Department. I have been a Police Officer since August of 1989. I am currently assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), Buffalo Field Office, Violent Crimes Against Children Task Force, which targets individuals involved in the on line sexual exploitation of children. I have been a TFO since June 14, 2010. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography. Child pornography is defined in Title 18, United States Code, Section 2256.

2. I make this affidavit in support of a criminal complaint charging **DAVID YOUNG** with possession and production of child pornography in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2251(a).

3. The information in this affidavit is based upon my personal knowledge and upon information provided to me by law enforcement officers and others. Since this

affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that **DAVID YOUNG** did knowingly violate Title 18, United States Code, Sections 2252A(a)(5)(B) and 2251(a).

4. On or about February 12, 2015, I was contacted by West Seneca Police School Resource Officer Joel Fallon who was investigating the possible production of child pornography involving a 5 year old child (hereinafter minor victim). Officer Fallon reported that the minor victim's father, **DAVID YOUNG**, may be in possession of pornographic images of the minor victim. Officer Fallon further reported that the minor victim's 16 year old step-sister had reported to him that she had found a picture of a young female's vagina, possibly of the minor victim on her stepfather **DAVID YOUNG**'s cellular telephone.

5. On or about February 13, 2015, I interviewed **DAVID YOUNG** at his residence at 135 Gardenvillage Drive, Cheektowaga, New York 14227. During the interview, **YOUNG** gave written consent to search his HP Model g6-2249WM, Serial number 5CD3042DK8 laptop computer (Subject Computer). The subject computer was manufactured outside the state of New York and as such traveled in interstate and/or foreign commerce.

6. On or about February 13, 2015, I conducted a search of the SUBJECT COMPUTER and found two images of suspected child pornography in the recycle bin. The images are described as follows:

Image 1

Title: Photo0268.jpg

Description: This is a close up image of the vagina of a minor female.

Image 2

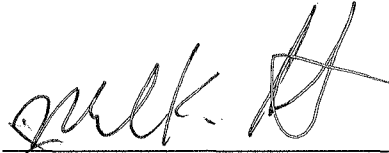
Title: Photo 0269.jpg

Description: This is a close up image of the vagina of a minor victim. Also observed in the image is the bottom portion of a blue/green colored shirt.

7. On or about February 17, 2015, I re-interviewed YOUNG at Cheektowaga Police Headquarters. During the interview, YOUNG admitted to taking naked pictures of the minor victim with his Samsung cellular telephone and the transferring them to his laptop computer. Based on this affiant's training and experience Samsung cellular telephones are manufactured outside the state of New York and therefore would have traveled in interstate and/or foreign commerce. Young stated that he would then masturbate to the pictures and then delete them. Young stated that he has repeated these acts on approximately 5 occasions over the past few years. I showed YOUNG the two images recovered from the SUBJECT COMPUTER and he identified the female in the images as being his daughter.

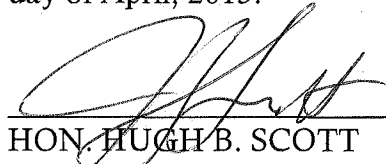
8. On February 20, 2015, I conducted a controlled telephone call between the mother of the minor victim, MELANIE COLE, and YOUNG. During the telephone call, YOUNG also admitted to touching the vagina of minor while taking pictures of her.

9. Based upon the foregoing, I respectfully submit that there is probable cause to believe that DAVID YOUNG has violated Title 18, United States Code, Sections 2252A(a)(5)(B) and 2251(a).



Michael Hockwater, Task Force Officer
Federal Bureau of Investigation

Sworn and subscribed to before me this 28th
day of April, 2015.



HON. HUGH B. SCOTT
United States Magistrate Judge